

Supreme Court, U. S.

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MICHAEL RODAK, JR., CLERK

IN THE
Supreme Court of the United States

October Term, 1976

No. 76-800

CHARLES E. ALLEN
and
JOHN W. HORN, et al.,
Petitioners,

vs.

COLUMBUS COATED FABRICS,
A DIVISION OF BORDEN CHEMICAL CO.;
EMASTMAN KODAK COMPANY, et al.
Respondents.

**ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF OHIO**

**MEMORANDUM OF RESPONDENT
WILLIAM T. PAUL, M.D. OPPOSING
PETITION FOR WRIT OF CERTIORARI**

EARL F. MORRIS
WRIGHT, HARLOW, MORRIS & ARNOLD
37 W. Broad Street
Columbus, Ohio 43215
Attorney for Respondent
WILLIAM T. PAUL, M.D.

PHILIP R. BRADLEY
BRADLEY & FARRIS
1260 E. Broad Street
Columbus, Ohio 43203
Attorney for Petitioners

ROBERT E. LEACH
VORYS, SATER, SEYMOUR & PEASE
52 E. Gay Street
Columbus, Ohio 43215
Attorney for Respondents
BORDEN, INC.,
EDWARD L. MAHONEY
AND DEWEY BENNETT

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Summary judgment was entered in the Court of Common Pleas for respondent William T. Paul, M.D., and affirmed by the Court of Appeals, and motions to certify were denied and the appeals dismissed as to him by the Supreme Court of Ohio, just as with respect to respondents Borden, Inc., Edward L. Mahoney and Dewey Bennett. Dr. Paul stood in the same position in each of these courts as did respondents Edward L. Mahoney and Dewey Bennett, and, accordingly, stands in the same position as they do as to the Petition for Writ of Certiorari in this Court.

The position of respondents Borden, Inc., Edward L. Mahoney and Dewey Bennett in opposition to the petition has been fully briefed by their counsel, and it would serve no useful purpose for us to repeat the argument there made. Accordingly, we incorporate by reference the brief filed on behalf of respondents Borden, Inc., Edward L. Mahoney and Dewey Bennett, including the comment as to the unfounded nature of the statements at page 5 of the petition as they apply to Dr. Paul, and rely upon that brief as our position on behalf of Dr. Paul opposing the petition.

We, accordingly, respectfully join with respondents Borden, Inc., Edward L. Mahoney and Dewey Bennett in submitting that the Petition for Writ of Certiorari should be denied.

EARL F. MORRIS
WRIGHT, HARLOR, MORRIS & ARNOLD
37 W. Broad Street
Columbus, Ohio 43215
Attorney for Respondent
WILLIAM T. PAUL, M.D.